

118TH CONGRESS
1ST SESSION

H. R. 3901

To establish procedures to reduce agency funding for failure to comply with
lawfully issued congressional subpoenas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2023

Mr. DONALDS (for himself, Mrs. LUNA, and Ms. GREENE of Georgia) introduced the following bill; which was referred to the Committee on Rules, and in addition to the Committee on Oversight and Accountability, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish procedures to reduce agency funding for failure
to comply with lawfully issued congressional subpoenas,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Agency Subpoena
5 Compliance Act”.

1 **SEC. 2. PROCEDURES FOR REDUCING AGENCY FUNDING**
2 **FOR A FAILURE TO ADHERE TO COMPLY**
3 **WITH SUBPOENAS.**

4 (a) REPORT FROM THE PRESIDENT.—

5 (1) IN GENERAL.—Not later than October 31 of
6 each year, the President shall submit to the Com-
7 mittee on Oversight and Accountability of the House
8 of Representatives and the Committee on Homeland
9 Security and Governmental Affairs of the Senate a
10 report that includes, with respect to the previous fis-
11 cal year, each subpoena issued to or received by, or
12 both, an agency which received funding pursuant to
13 a regular appropriation bill.

14 (2) REPORT FORMAT.—The report described in
15 paragraph (1) shall separate each such agency and
16 subpoena issued to, received by, or both into sepa-
17 rate titles of the report pursuant to the regular ap-
18 propriation bill which provides funding for each such
19 agency.

20 (b) COMMITTEE HEARING WITH RESPECT TO AGEN-
21 CY ACTIONS.—Not later than 45 days after the date on
22 which a report is received pursuant to subsection (a), each
23 such committee shall hold a hearing with respect to wheth-
24 er each lawfully issued congressional subpoena included in
25 such report was complied with by the relevant agency.

1 (c) COMMITTEE REPORT.—Not later than 45 day
2 after the date on which a hearing is held pursuant to sub-
3 section (b), the Committee on Oversight and Account-
4 ability of the House of Representatives and the Committee
5 on Homeland Security and Governmental Affairs of the
6 Senate shall each, with respect to each title of the report
7 submitted by the President under subsection (a)—

8 (1) vote on a report that contains the conclu-
9 sions of the committee with respect to whether each
10 agency complied with each lawfully issued congress-
11 sional subpoena;

12 (2) in the case that either committee, by major-
13 ity vote, determines that any agency did not comply
14 with a lawfully issued congressional subpoena to the
15 relevant agency, include in the report a proposed re-
16 duction of funding in the regular appropriation bill
17 which provides funding for each such agency for the
18 subsequent fiscal year in the amount equal to a half
19 of a percent for each lawfully issued congressional
20 subpoena that was not complied with;

21 (3) in the case that the report submitted by the
22 President under subsection (a) was submitted after
23 the deadline required under subsection (a)(1), in-
24 clude in the report a proposed reduction of funding
25 in the regular appropriation bill which provides

1 funding for the Executive Office of the President for
2 the subsequent fiscal year in the amount equal to
3 two percent for each week during the period that
4 starts on the deadline under subsection (a)(1) and
5 ends on the date the President submits such report;
6 and

7 (4) submit such report to the House of Rep-
8 resentatives or the Senate, as the case may be.

9 (d) PROVIDING FOR REDUCTION IN AGENCY FUND-
10 ING.—

11 (1) PROCEDURES IN THE HOUSE OF REP-
12 RESENTATIVES.—Clause 2 of rule XXI of the Rules
13 of the House of Representatives is amended by add-
14 ing at the end the following new paragraph:

15 “(h) It shall be in order, if offered by the chair of
16 the Committee on Oversight and Accountability or the
17 chair’s designee, to offer an amendment to a general ap-
18 propriation bill for a fiscal year providing for a reduction
19 in funding for an agency or, if applicable, the Executive
20 Office of the President in such general appropriation bill
21 in the amount equal to a proposed reduction of funding
22 for such agency or the Executive Office of the President
23 for such fiscal year as reported by the committee pursuant
24 to subsection (c) of the Agency Subpoena Compliance
25 Act.”.

1 (2) PROCEDURES IN THE SENATE.—Notwith-
2 standing any rule of the Standing Rules of the Sen-
3 ate, it shall be in order, if offered by the chair of
4 the Committee on Homeland Security and Govern-
5 mental Affairs of the Senate or the chair’s designee,
6 to offer an amendment to a general appropriation
7 bill for a fiscal year providing for a reduction in
8 funding for an agency or, if applicable, the Execu-
9 tive Office of the President, in such general appro-
10 priation bill in the amount equal to a proposed re-
11 duction of funding for such agency or the Executive
12 Office of the President for such fiscal year as re-
13 ported by the committee pursuant to subsection (c)
14 of this Act.

15 (e) EXERCISE OF RULEMAKING POWER.—This sec-
16 tion, except with respect to subsection (a), is enacted by
17 Congress—

18 (1) as an exercise of the rulemaking power of
19 the House of Representatives and the Senate, re-
20 spectively, and as such shall be considered as part
21 of the rules of each House, respectively, or of that
22 House to which it specifically applies, and it super-
23 sedes other rules only to the extent that they are in-
24 consistent therewith; and

1 (2) with full recognition of the constitutional
2 right of either House to change the rules (so far as
3 relating to the procedure of that House) at any time,
4 in the same manner, and to the same extent as in
5 the case of any other rule of that House.

6 (f) DEFINITIONS.—In this section, the following defi-
7 nitions apply:

8 (1) AGENCY.—The term “agency” has the
9 meaning given the term in section 551 of title 5,
10 United States Code.

11 (2) SUBPOENA.—The term “subpoena” has the
12 meaning given the term in Rule XI, clause 2(m)(1)
13 of the Rules of the House of Representatives.

14 (3) REGULAR APPROPRIATION BILL.—The term
15 “regular appropriation bill” means any annual ap-
16 propriation bill which, with respect to the Congress
17 involved, is under the jurisdiction of a single sub-
18 committee of the Committee on Appropriations of
19 the House of Representatives (pursuant to the Rules
20 of the House of Representatives for that Congress)
21 and a single subcommittee of the Committee on Ap-
22 propriations of the Senate (pursuant to the Standing
23 Rules of the Senate).

1 (g) EFFECTIVE DATE.—This section shall take effect
2 on the date of the enactment of this Act.

